

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY"), TO ACQUIRE, BY DONATION, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY FOR DRAINAGE AND GREENSPACE PURPOSES

WHEREAS, the Mayor and City Council (the "Governing Body") of the City of Diamondhead, Mississippi (the "City"), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City is in need of acquiring certain real property for drainage and greenspace purposes that is currently owned by several individuals.
2. The City is authorized to acquire real property pursuant to Miss. Code Ann. §21-17-1.
3. Several individuals have expressed a willingness to donate the property legally described in the Deeds of Dedication and attached hereto collectively as Exhibit "A" to this resolution
4. The City is willing to accept the donation of the aforementioned properties. (Bevan Revocable Trust)

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will accept the donation of the aforementioned property.

SECTION 2. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned property by donation, for the City Manager to execute any necessary documentation to effectuate the donation of the subject property and, for the Mayor to execute the Dedication Deed on behalf of the City attached collectively hereto as Exhibit "A."

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember Finley, seconded by Councilmember Maheer and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Finley	<u>✓</u>	___	___
Councilmember Moran	<u>✓</u>	___	___
Councilmember Sheppard	<u>✓</u>	___	___
Councilmember Clark	___	___	<u>✓</u>
Councilmember Maher	<u>✓</u>	___	___
Mayor Depreo	<u>✓</u>	___	___

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the 4th day of January, 2022.

Mayor Nancy Depreo  
MAYOR

ATTEST:

Danni Klein  
CITY CLERK





PREPARED BY & RETURN TO:  
DEREK R. CUSICK (MS BAR#10653)  
LAW OFFICES OF DEREK R. CUSICK, PLLC  
1325 25<sup>th</sup> Avenue  
GULFPORT, MS 39501  
(228) 206-3819

INDEXING INSTRUCTIONS:

LOT 89, BLK 3, UNIT 10,  
DIAMONDHEAD PH 2, CITY OF  
DIAMONDHEAD, HANCOCK  
COUNTY, MISSISSIPPI

GRANTORS ADDRESS  
THE HAROLD J. AND SANDRA E. BEVAN  
REVOCABLE TRUST  
6340 KALIPEKONA WAY  
DIAMONDHEAD, MS 39525  
(228) 255-9232

GRANTEE'S ADDRESS  
CITY OF DIAMONDHEAD, MS  
5000 DIAMONDHEAD CIRCLE  
DIAMONDHEAD MS 39525  
(228) 222-4626

STATE OF Mississippi  
COUNTY OF Hancock

**DEED OF DEDICATION**

This DEED OF DEDICATION ("Deed") is made this \_\_\_\_ day of \_\_\_\_\_,  
2021 by and between THE HAROLD J. AND SANDRA E. BEVAN REVOCABLE  
TRUST, GRANTOR, and THE CITY OF DIAMONDHEAD, a municipality created and  
existing under the State of Mississippi ("City"), GRANTEE.

**\*\*WITNESSETH\*\***

WHEREAS, THE HAROLD J. AND SANDRA E. BEVAN REVOCABLE TRUST wishes to dedicate, grant and convey the following property to the City and be relieved of the cost and responsibilities associated with maintaining same; and

WHEREAS, the City wishes to acquire the property and assume the cost and responsibilities for maintaining same; and

WHEREAS, on January 4, 2022, the Diamondhead City Council passed a resolution and order accepting the dedication of the property conveyed herein and agreeing to the terms contained herein, copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, THE HAROLD J. AND SANDRA E. BEVAN REVOCABLE TRUST hereby dedicates, grants, conveys, covenants and agrees as follows:

**DEDICATION OF ONE UNDEVELOPED LOT**

For and in consideration of the City accepting the property and maintaining the property as greenspace, THE HAROLD J. AND SANDRA E. BEVAN REVOCABLE TRUST, being the sole owner of, and the only party having any interest in, the property, does hereby dedicate, grant and convey unto the City, its successors and assigns, in fee simple, for the use of the general public as a greenspace and for drainage, the property described herein below and improvements thereon and appurtenances thereto, if any. This dedication of the property is made without warranties of any kind.

The City specifically accepts the dedication of the property without warranty and subject to the following conditions:

The conveyance herein is made subject to such valid mineral reservations and/or conveyances, if any, as may have been heretofore made on the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all easements located on, over and across the property, or filed in the land records of the Office of the Chancery Clerk of Hancock County, Mississippi.

The conveyance herein is made subject to any and all rights-of-way and/or easements for public utilities in, on and under the property.

The conveyance herein is made subject to the City maintaining the property as greenspace and for drainage and said property is not to be developed.

Legal Description of the Undeveloped Lot:

Lot 89, Block 3, Unit 10, DIAMONDHEAD, Phase 2, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, at Bay St. Louis, Mississippi.

Together with all improvements situated thereon, and the perpetual right of ingress and egress over and upon all streets, roads, avenues and boulevards shown on said subdivision plat.

IT IS FURTHER UNDERSTOOD AND AGREED that this instrument constitutes the entire agreement between Grantors and Grantee, there being no other oral agreements or representations of any kind or nature whatsoever.

EXECUTED, this the 28th day of December, 2021.

GRANTOR:

THE HAROLD J. AND SANDRA E. BEVAN  
REVOCABLE TRUST

By: Harold J. Bevan

By: Sandra Bevan

STATE OF Mississippi

COUNTY OF Hancock

Personally appeared before me, the undersigned Notary Public, the within named Harold and Sandra Bevan, who acknowledged that s/he is owners of THE HAROLD J. AND SANDRA E. BEVAN REVOCABLE TRUST, and that in said capacity s/he signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the 28th day of December, 2021.

Jeannie Klein  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_



GRANTEE:

CITY OF DIAMONDHEAD, MISSISSIPPI

BY: *Nancy Nancy Depreo*  
NANCY DEPREO, MAYOR

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

Personally appeared before me, the undersigned Notary Public, the within named NANCY DEPREO, who acknowledged that she is Mayor of the City of Diamondhead, Mississippi, and that in said representative capacity she signed and delivered this instrument on the day and year herein mentioned, after first having been duly authorized to do so.

GIVEN UNDER MY HAND AND SEAL this the 9<sup>th</sup> day of January, 2022.

*Jeannie Klein*  
NOTARY PUBLIC

My Commission Expires:

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